

UNITED STATES DISTRICT COURT
EASTERN DISTRICT NEW YORK

RICHARD PLAINTIFF,

Plaintiff,

- against -

ST. JOHN'S UNIVERSITY AND JANE DOE,

Defendants.

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Case No. 19-cv-04694 (PKC)(RER)

DECLARATION OF JOSHUA S. HURWIT

Joshua S. Hurwit declares under penalty of perjury, pursuant to 28 U.S.C. §1746, that the following is true and correct:

1. I am Associate General Counsel at St. John’s University (“SJU”). I have been employed by SJU since June 2016. I make this declaration based on the best of my personal knowledge, my review of SJU’s records kept in the ordinary course of business, and documents and information obtained by other SJU personnel in the course of their duties.

2. Attached as Exhibit A is a true and correct copy of SJU’s current Student Code of Conduct and Conduct Process (collectively, the “Student Code”) that were in effect in 2018 and 2019.

3. Attached as Exhibit B is a true and correct copy of correspondence, dated April 13, 2018, sent from Jackie Lochrie (Acting Dean of Students, Associate Dean for Student Services, Deputy Title IX Coordinatory) (“Lochrie”) to Plaintiff.

4. Attached as Exhibit C is a true and correct copy of SJU's Title IX Investigating Officers Report (without exhibits), dated July 19, 2018, relating to the first incident of sexual assault, which was reviewed by Plaintiff prior to being finalized.

5. Attached as Exhibit D are true and correct copies of correspondence, dated between August 6, 2018 through August 22, 2018, between Lochrie and Plaintiff.

6. Attached as Exhibit E is a true and correct copy of SJU's Final Title IX Investigating Officers Report (without exhibits), dated July 19, 2018, a copy of which Plaintiff received.

7. Attached as Exhibit F is a true and correct copy of the Board's Determination in connection with the first incident of sexual assault, referenced in Paragraph 126 of the SAC.

8. Attached as Exhibit G is a true and correct copy of Jack Flynn's (Director of Student Conduct) ("Flynn") October 15, 2018 correspondence to Plaintiff.

9. Attached as Exhibit H is a true and correct copy of correspondence dated March 18, 2019 from Danielle Haynes (Associate Director of Equal Opportunity and Compliance) to Plaintiff.

10. Attached as Exhibit I is a true and correct copy of SJU's draft Title IX Investigating Officers Report (without exhibits) dated February 7, 2019 relating to the second incident of sexual assault, which was reviewed by Plaintiff prior to being finalized.

11. Attached as Exhibit J is a true and correct copy of correspondence, dated April 4, 2019, from Peter Eikenberry, Esq. and Plaintiff regarding SJU's February 7, 2019 Final Report relating to the second incident of sexual assault.

12. Attached as Exhibit K is a true and correct copy of SJU's Final Title IX Investigating Officers Report (without exhibits), dated February 7, 2019, a copy of which Plaintiff received.

13. Attached as Exhibit L is a true and correct copy of correspondence dated June 6, 2019 from Flynn to Plaintiff.

14. Attached as Exhibit M is a true and correct copy of correspondence dated June 13, 2019 from Flynn to Plaintiff.

15. Attached as Exhibit N is a true and correct copy of correspondence dated June 18, 2019 between Eikenberry to myself.

16. Attached as Exhibit O is a true and correct copy of my responsive correspondence dated June 17, 2019 to Eikenberry.

17. Attached as Exhibit P is a true and correct copy of the Department of Public Safety's incident tracking report relating to threats of bodily harm dated June 17, 2019.

18. Attached as Exhibit Q is a true and correct copy of correspondence, dated July 15, 2019, from Flynn to Plaintiff.

19. Attached as Exhibit R is a true and correct copy of correspondence, dated August 12, 2019, from Flynn to Plaintiff.

20. Attached as Exhibit S is a true and correct copy of correspondence, dated September 11, 2019, from Flynn to Plaintiff.

21. Attached as Exhibit T is a true and correct copy of Director of Student Conduct's October 2, 2019 correspondence to Plaintiff.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 8, 2020.

/s/ Joshua S. Hurwit
Joshua S. Hurwit